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- NAMES OF LITERARY COMPOSITIONS. *Bernard C. Steiner*. Discussing rights of editors and authors, with elaborate citation of cases. 16 Green Bag 643.
- PAYMENT OF EXPENSES INCURRED UNDER THE FACTORY AND WORKSHOPS ACT, 1901. Parts I. and II. *Anon.* Concerning the apportionment of such expenses between landlord and tenant. 48 Sol. J. 732, 739.
- PRIVATE PROPERTY ON THE HIGH SEAS. *G. A. Finkelnburg*. History of the position of the United States upon the seizure of private property on the high seas by belligerents. 38 Am. Law Rev. 641.
- PROPOSED GOLD LAW FOR THE TRANSVAAL, THE. *George T. Morice*. Showing changes from present law. 21 S. African L. J. 123.
- QUESTIONS OF INTERNATIONAL LAW ARISING FROM THE RUSSO-JAPANESE WAR, SOME. VI. *Amos S. Hershey*. 16 Green Bag 659.
- RECENT RUSSIAN SEIZURES AND THE SINKING OF THE "KNIGHT COMMANDER," THE. *Blackburn Esterline*. 38 Am. L. Rev. 662.
- RESPONSIVE ANSWER IN EQUITY CONSIDERED AS EVIDENCE FOR THE DEFENDANT, THE. *John Marshall Gest*. 52 Am. L. Reg. 537. See *supra*.
- SUITS ON CONTRACTS FOR BENEFIT OF THIRD PERSONS. *M. E. E. Kerr*. 66 Alb. L. J. 312. See NOTES, p. 141.
- SWEDISH LAW REFORM. *Seymour D. Thompson*. A second article commenting on a recent work by a Swedish author. 38 Am. L. Rev. 674.
- TITLE OF BONA FIDE PURCHASERS FROM BAILEES. *Colin P. Campbell*. Stating the present rule and the theory upon which it is based. 59 Cent. L. J. 264.
- VENEZUELAN ARBITRATION ONCE MORE, THE: FACTS AND LAW. *Rudolf Dulong*. 38 Am. L. Rev. 648.
- WIDOW'S SAVINGS UNDER HINDU LAW. *P. Duraiswamy Qyengar*. 9 Bombay L. Rep. 108.

II. BOOK REVIEWS.

NOTES ON THE DOCTRINE OF RENVOI IN PRIVATE INTERNATIONAL LAW.
By John Pawley Bate. London: Stevens and Sons, Limited. 1904.
pp. 123. 8vo.

The renvoi theory is of comparatively recent origin. It has become important since the general adoption of nationality or legally authorized domicile, instead of domicile, as the criterion in questions of status, capacity, succession, and some others. At various times between 1841 and the present day the doctrine has been discussed in some of the English cases, and during the last thirty years it has been discussed in the courts on the Continent. It was not, however, until 1903 that the theory was adopted by any English court, and as there is still only a single decision and that in the lowest court, the question of the theoretical value and practical availability of this theory in English and American law is yet open to discussion, and is of timely interest.

A recent English case well illustrates an instance in which the renvoi theory is sought to be applied. A native of Malta left there in 1832, at the age of twenty-two, and took up her permanent residence in Baden, living there until her death in 1894. She died intestate as to some movable property situate in England. The question was how to distribute the property. According to the law of England, she was domiciled in Baden, but since she had not become naturalized and had not been legally authorized to take up residence, the law of Baden did not consider her there domiciled. That law provides that in the case of foreigners dying intestate, succession shall be according to the law of the country of which the foreigner is a subject at the time of his death. Three courses were open to the English court: first, to sacrifice its conception of conflict of laws to that of the law of Baden; second, to adhere to its own conception at the cost of applying the provisions of a foreign law in circumstances in which that foreign law itself would not do so; or, third, to attempt the elaboration of an entirely new branch of law designed to regulate the conflict between rules of conflict, that is, to adopt the principle of renvoi. Adopting the second of these courses, the court would have directed the property to be distributed according to Baden law. Mr. Justice Farwell, however, directed the property to be distributed among the persons entitled according to Maltese law, on one

of two grounds: first, that a domicile of choice, which is, according to the law of the country chosen, ineffectual as regards postmortuary distribution of movables, is, for this purpose, no domicile at all; or, second, assuming the deceased was domiciled in Baden, the law of Baden would, according to its terms, not apply, but would refer the question to the national law, in this case the law of Malta. Thus the court adopted either the first or the third of the courses above mentioned. *In re Johnson*, [1903] 1 Ch. 821.

This decision has not been favorably received by English or American lawyers, and Mr. Bate's pamphlet is devoted to showing that there was no foundation in English law for the decision, and that on its merits the *renvoi* doctrine cannot claim admission into the English system of conflict of laws. The pamphlet shows great care of preparation, exhaustive research in the case law of England, France, Belgium, Germany, and other countries of the Continent, and contains a scholarly tabulation, arrangement, and discussion of the decisions found, and also of the arguments advanced both by the advocates and the opponents of the *renvoi* theory. This pamphlet leads one to wish that more legal writers would give their energies to the thorough and valuable work which can be done by selecting a topic small in scope, yet interesting and important in its bearing.

CASES ILLUSTRATING THE PRINCIPLES OF THE LAW OF TORTS. By Francis R. Y. Radcliffe and J. C. Miles. Oxford: Clarendon Press. 1904. pp. xii, 628. 8vo.

This collection of cases is an "attempt to illustrate the principles underlying the main branches of the Law of Torts by a selection from the original authorities." Case-books for purposes of study have, owing to the state of legal education, hardly found a field in England. Books such as "Smith's Leading Cases" are, because of their full treatment and collection of authorities on special topics, meant for the practitioner rather than for the student. The present compilation of cases, which comes from Oxford, is, therefore, received by confirmed believers in the case-system of legal study as a gratifying indication that the value of that system is finding increasing recognition in English Universities.

The editors have, in the main, followed the method of arrangement adopted by Sir Frederick Pollock in his treatise on the subject. The aim is evidently to supplement, not supplant, the text-book. To this fact, undoubtedly, is to be attributed the presence of head-notes, for these defeat one of the chief values of the case-system, namely, to get the reader to gather his own principles from the cases. There is also, in view of the supplemental nature of the work, a natural tendency to give late authorities. But perhaps it would be better, even though it is not intended to develop the subject by successive cases, to give the great cases that mark a development in the law, *e. g.* *Pasley v. Freeman* (3 T. R. 51), and make reference merely, to later important authorities which show an advance but which lack of space crowd out.

From the American case book point of view, also, the classification is not all that it might be. To some extent this is attributable to the comprehensive scope of the selections. Cases dealing with the relation of master and servant, prescriptive rights, percolating water, and the like, might have been omitted from a collection of illustrative cases on the law of torts. Since the purpose should be to arrive at general principles, a detailed topical treatment is unnecessary. By bringing related subjects under a common head, underlying principles are better grasped and the student is not bewildered by apparent multiplicity of doctrines. Thus the cases on assault, false imprisonment, trespass to land and goods, might well form one group.

The field has been so fully covered, as far as topical treatment is concerned, that it may seem caviling to point out omissions. Yet it is surprising that there is no case on liability for nervous shocks, especially since the decision of the Privy Council in *Victorian Railways Commissioners v. Coultas* (13 App. Cas. 222) has not been followed in Ireland nor in the recent case of *Dulieu v.*